

### **REMARKS**

By this amendment, no claims have been added, cancelled, or amended. Consequently, Claims 1-2, 4-8, 10-12, 14-18, 20-23, 25-31, and 33-38 are pending in the application.

### **SUMMARY OF THE REJECTIONS**

Claims 1-2, 4-7, 10-12, 14-17, 20-23, 25-28, 30, 31, 33-36, and 38 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over “RSVP Receiver Proxy” by Gai et al. (“*Gai*”) in view of U.S. Patent Number 6,101,549 issued to Baugher et al. (“*Baugher*”) in view of U.S. Patent U.S. Patent Number 6,765,927 by Martin et al. (“*Martin*”) in view of U.S. Patent Application No. 2004/0022191 A1 by Bernet et al. (“*Bernet*”) in view of “Resource Reservation Protocol (RSVP) Version 1 Function Specification” by Branden et al (“*Branden*”) and in view of “RF 2748 – The COPS (Common open Policy Service) Protocol by” by Durham et al (“*Durham*”).

The rejections are respectfully traversed.

### **NONOBVIOUSNESS ISSUES—GAI DOES NOT QUALIFY AS A REFERENCE**

Each pending claims is rejected based, at least in part, on *Gai*. An Applicant's disclosure of his or her own work within the year before the application filing date cannot be used against the Applicant. *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982); MPEP 2132.01. A rejection based on an Applicant's own work is overcome by a declaration of the Applicant establishing that a reference is describing the Applicant's own work, even if the Applicant is not explicitly identified as a coauthor of the reference.

Attached hereto are declarations under 37 C.F.R. §1.132, signed by Silvano Gai and Dinish Dutt, which declare that the *Gai* reference describes the Applicants' own work.

Also attached hereto is a declaration of Applicants' Attorney, Christopher J. Brokaw, attesting that Itzhak Parnafes and Shai Mohaban are unavailable. Under MPEP § 715.04, if a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient to accept a declaration under 37 C.F.R. §1.132.

Further, the declaration under 37 C.F.R. §1.132, signed by Silvano Gai and Dinish Dutt, is timely or seasonable filed because, as it was known to the Applicants that Itzhak Parnafes and Shai Mohaban would most likely be unavailable to sign the petition under 37 C.F.R. §1.132, the filing of a declaration under 37 C.F.R. §1.132 was avoided as long as the rejections of the Office Actions could be traversed based on their merits.

Consequently, in view of the declarations under 37 C.F.R. §1.132, *Gai* does not qualify and must be removed as a reference, and the rejection of each pending claim, based on *Gai*, is overcome. All of the claim rejections are based on a combination of *Gai* and other references. Without *Gai* as a base reference, the other references do not disclose, teach, or suggest the claimed combination of elements, and the references do not establish a prima facie case under 35 U.S.C. § 103. Thus, it is respectfully submitted that each of Claims 1-2, 4-8, 10-12, 14-18, 20-23, 25-31, and 33-38 are patentable over the cited art and are in condition for allowance.

## CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



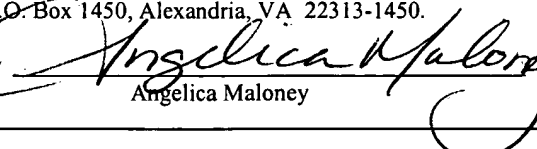
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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On November 4, 2005 By

  
Angelica Maloney